

Keller | Lenkner



March 29, 2022

VIA ECF

The Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, New York 10007

Re: *In re Google Digital Advertising, 1:21-md-03010 (PKC); State of Texas, et al. v. Google LLC, No. 1:21-cv-06841 (PKC)*

Dear Judge Castel:

We write in response to Google's letter dated March 28, 2022 regarding the Publisher Plaintiffs' request to file a brief, ECF 268, and pursuant to the Court's Individual Practices § 3F, to request oral argument on Google's Motion to Dismiss the Plaintiff States' Third Amended Complaint. ECF 217. No conferences are currently scheduled before the Court.

The Plaintiff States take no position on whether the Court should grant the Publisher Plaintiffs' request. If that request is granted, however, the Plaintiff States oppose Google's requested extension of time and increase in the page limitation for its Reply to the Plaintiff States' Opposition. As Google's letter notes, the briefing schedule for Google's Motion, the Plaintiff States' Opposition, and Google's Reply was set five months ago. *See* ECF 144. That schedule provides Google with ample time and pages for its Reply: more than four times the number of days than are provided by the Local Rules, *see* Local Rule 6.1(a), and twice the number of pages than are provided in the Court's Individual Practices. *See* Individual Practices § 3D. The Publisher Plaintiffs' request, filed just two days after the Plaintiff States' Opposition, is not a basis for the significant extension of time or increase in pages that Google has proposed. Indeed, the only party attempting an end-run around the Court's page limitations and briefing schedule is Google, as the Plaintiff States did not file, invite, or approve the Publisher Plaintiffs' requested brief. The Plaintiff States take no position on whether, if the request is granted, Google should be permitted to separately respond to the Publisher Plaintiffs' brief.

Additionally, the Plaintiff States request that oral argument be scheduled on Google's Motion to Dismiss. Under the Court's current briefing schedule, Google's Motion will be fully briefed on April 21, 2022. Counsel for the Plaintiff States has proposed to counsel for Google that oral argument be scheduled for May 24, 25, or 26, 2022 and are awaiting word on Google's availability during that window. Counsel for the Plaintiff States will work with the Court and counsel for Google to identify an acceptable date for oral argument.

Respectfully submitted,

/s/ W. Mark Lanier

W. Mark Lanier
New York Bar No.: 4327284
Mark.Lanier@LanierLawFirm.com
Alex J. Brown
New York Bar No.: 4593604
Alex.Brown@LanierLawFirm.com
Zeke DeRose III
Zeke.DeRose@LanierLawFirm.com
Tower 56
126 East 56th Street, 6th Floor
New York, NY 10022
(212) 421-2800
THE LANIER LAW FIRM, PLLC

/s/ Ashley Keller

Ashley Keller
ack@kellerlenkner.com
Brooke Clason Smith
brooke.smith@kellerlenkner.com
Jason A. Zweig
New York Bar No.: 2960326
jaz@kellerlenkner.com
150 N. Riverside Plaza, Suite 4270
Chicago, Illinois 60606
(312) 741-5220
Zina Bash
zina.bash@kellerlenker.com
111 Congress Avenue, Suite 500
Austin, TX 78701
(512) 690-0990
KELLER LENKNER LLC

Counsel for Texas, Idaho, Indiana, Louisiana (The Lanier Law Firm only), Mississippi, North Dakota, South Carolina, and South Dakota

CC: Counsel of Record